



# HANDLING MATERIALS RECONSIDERATION, CHALLENGES, AND CENSORSHIP, A CHECKLIST

This information sheet is intended as a tool to assist in clarification and decision making for Public Library Directors and Boards. It is not intended as legal advice. Library Boards and Directors should consult with their library attorneys when determining a plan or policy for their libraries.

December 6, 2021

Prepare BEFORE a complaint arises

- **Ensure the library has the following REGULARLY UPDATED policies in place:**
  - [Collection Development Policy](#) – The criteria used for selecting and purchasing materials, including the library's overall collection goals and philosophy. (Link is to information on collection development policies on the Library of Michigan website.)
  - [Materials Reconsideration](#) – Criteria and policy used to address complaints or challenges against specific materials. (Link is to the ALA OIF Selection & Reconsideration Policy Toolkit for Public, School, & Academic Libraries.) See also [United for Libraries Trustee Resources for Program and Materials Challenges](#).
  - [Patron Behavior](#) – Criteria and policy for appropriate patron use of library facilities and materials to ensure that the library can operate according to its mission and accommodate a variety of views and information requirements in the community it serves. (Link to the ALA Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage.)
  - [Employee Behavior](#) – Criteria and policy for appropriate employee actions in the workplace as public servants and representatives of the library as an entity. Generally included as part of an employee handbook. (Link is to the “Personnel Policies” section of the Illinois State Library’s Administrative Ready Reference website) NOTE- Resource is geared towards Illinois law, **Michigan libraries should review policies with their attorneys before adopting.**
  - [Board Behavior \(in Bylaws\)](#) – Criteria developed by the board to police itself. Intended to guard against conflicts of interest and actions by members that threaten the board’s ability to appropriately and legally govern the library. Often include negative consequences for violations of the set criteria. (Link is to the “Michigan Public Library Trustee Manual, which has a chapter on Bylaws.”)
  - [Board Ethics \(in Bylaws\)](#) – Criteria included in certain State laws and some municipal ordinances that hold board members to particular levels of honesty, accountability, and objectivity while representing or handling matters for the library. (Link is to the ALA United for Libraries Official Statement on Board Ethics.) See also, Michigan Municipal League’s (MML) [Handbook for Municipal Officials, Ch 8, Ethics](#) .
  - [Public Meeting \(in Bylaws\)](#) – Criteria by which a public meeting is called, noticed and conducted by the board to conduct library business and make decisions that impact library service, finances and policy. Includes a policy and procedure for public comment during the meeting. This policy is heavily influenced and directed by the [Open Meetings Act \(OMA\)](#). (Links are to the National Association of Counties (NACO) “The Right Way to Run a Meeting”, and The Michigan Attorney General’s “Open Meeting Act Handbook”.) (See also [MSU Extension’s Parliamentary Procedure Resource](#))
  - [Public Hearing \(in Bylaws\)](#) - Criteria by which [a public hearing is called](#), conducted, and concluded. (Links are to “How to conduct a public hearing,” a part of “The Community Toolbox” site by the Center for Community

*Health and Development at the University of Kansas, and The Michigan Municipal League's (MML) "Public Hearings" Fact Sheet.*

- [Crisis Communication](#) – Policy and procedures for Library communications to the public and the press during a conflict or crisis or emergency. Includes the appointment of a designated “spokesperson” so that a consistent institutional message can be conveyed, reducing the likelihood of conflicting and confusing messaging. ( See also [Crisis Communications Template](#), Georgia Libraries. (Links are to Georgia Public Library Service's (The Georgia State Library Agency) *Crisis Communication Plan* and *Crisis Communication Template*.) **NOTE:** These samples are structured for the State Library. Public Libraries should read carefully, consult their lawyers, and adopt information that is applicable to their situation and Michigan Law. For a good explanation of Crisis Communication, [see InfoToday, Tamara King, "Creating a Crisis Communication Plan"](#).
- [Social Media](#) – Policy and criteria for how the library conducts its social media activities- both normally and in a crisis. Included are procedures for posting and replies of the institution, as procedures and policies for whether the public can post responses and how those postings (if permitted) are handled. This policy will often limit the ability to post on behalf of the institution to designated staff as social media monitors/posters. (Link is to the *ALA Social Media Guidelines for Public and Academic Libraries*.)

#### □ **Verify that relevant policies are:**

- Clear – The intent of the policy, as well as what constitutes compliance and what constitutes violation are obvious. Enforcement and the consequences of violation can easily be understood by all involved (staff, board, and patrons).
- Legal – policies and procedures (including enforcement and consequences) comply with applicable state and federal laws and (ideally) have been reviewed by an attorney.
- Communicated - All policies are publicly available and posted.

#### □ **Ensure that relevant staff are trained in appropriate methods of:**

- **Library principles of Intellectual Freedom**- Two options for locating staff appropriate online courses in this topic are [Webjunction](#) and [Niche Academy](#) - both of which can be accessed by library staff and boards for free on the [Library of Michigan's website](#).
- **Policy Application** – Instruction and information on each library policy they are expected to adhere to and/or monitor.
- **Policy Enforcement** – Instruction and information on each of the policies they are expected follow and enforce. Culturally sensitive training on how to enforce policies particularly in circumstances where patrons or colleagues need to be redirected or corrected.
- **Conflict management/De-escalation** – Training on strategies for managing irate and potentially volatile interactions with patrons and co-workers. (Two options for locating staff appropriate online courses in this topic are [Webjunction](#)- and [Niche Academy](#)- both of which can be accessed by library staff and boards for free on the [Library of Michigan's website](#).)
- **Social Media** - Training on the library's social media policy and public relations plan. How postings happen, who is authorized to post, what is considered acceptable, etc.
- **Crisis Communication** - Instruction on how the library handles communication and public interactions during times of crisis, disaster and emergency.

#### □ **Ensure Board members are instructed in:**

- **Public meeting procedures, Open Meetings Act, and ethics/parliamentary requirements** - How to run public meetings and accomplish their decision-making in an appropriate ethical manner. (An option for this type of training for boards is [United for Libraries](#) – The Library of Michigan provides access for all Michigan libraries via a Statewide Access Membership.

- **Library and Legal principles of Intellectual Freedom** – Including the notion that personal opinions, preferences, and beliefs are not valid criteria for collection development nor the management of the library collections and services. Two options for locating staff appropriate online courses in this topic are [Webjunction](#) and [Niche Academy](#) - both of which can be accessed by library staff and boards for free on the [Library of Michigan's website.](#) See also [United for Libraries Trustee Resources for Program and Materials Challenges.](#)
- **The library's policy and procedure for addressing reconsiderations** – Instruction in how the policy is implemented and enforced, including appeals.
- **The library's relevant social media policy & procedures**
- **The library's relevant crisis communication policy and procedures**
- **Review adequacy of Library security equipment and procedures**
  - Threat assessment
  - Procedures and policies for when law enforcement is contacted

## **WHEN a challenge or reconsideration request is made:**

- **Implement Reconsideration or Challenge policy:**
  - Provide patron with copy of policy
  - Encourage patron to complete form that is part of policy
  - Ensure policy is followed correctly by library staff.
  - At conclusion of process, ensure patron is provided with a written explanation of decision.

## **IF initial decision is contested or appealed**

- **Follow appeals process as established in policy.**
  - Appeal is before Board
  - Open Meeting/Hearing

## **IF challenge or request becomes contentious, or expands to include multiple titles or a genre:**

- Involve Legal Counsel
- Implement Crisis Communication policy
  - Social media monitoring and limiting
  - Prepare general statement on situation to inform all patrons and community of situation.
  - Enlist community support for the library through efforts such as social media messaging and library displays.
  - Communicate with local press
  - Communicate with municipal partners
- Notify ALA/MLA
- Consider security/law enforcement presence in public meetings
- Consider larger security presence in library.

## **IF challenge or request involves library board or library staff:**

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- Adhere to appropriate **behavior** and employment and ethics policies. Do not attempt to regulate speech or content of speech.
  - Work with remaining board members or municipal partners or library colleagues (such as coop directors, LM, and MLA) to ensure adherence to public meeting procedures.
    - Complaining board members recused from voting and discussion on matter except as complainant.
    - Public meeting behavior and decorum policies followed. Focus is on enforcement of behavior and time policies of public comment. OMA adhered to.
  - **Consider alternative/additional legal assistance**
    - Library attorney represents board. If library staff or director require legal assistance or advice in situation where conflict is with board majority, staff may require separate representation (depending on situation).

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